

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

AmeriCredit Financial Services, Inc.,)
)
Plaintiff,)
)
v.)
)
Ruby Elaine Pinnex,)
)
Defendant.)
_____)

Civil Action No. 5:19-cv-00213-JMC


ORDER

This action arises from a state law contract claim filed in the General Court of Justice, Superior Court Division, in Wake County, North Carolina.¹(ECF No. 1-1 at 1.) Defendant filed a Notice of Removal on January 24, 2019. (ECF No. 1.) The matter before the court is Defendant Ruby Elaine Pinnex’s Motion for Default Judgment filed on January 24, 2019. (ECF No. 4.)

Rule 55(a) of the Federal Rules of Civil Procedure authorizes the entry of default judgment when a party fails to “plead or otherwise defend.” Trial judges are vested with discretion in entering such judgments and in providing relief therefrom. *See U.S. v. Moradi*, 673 F.2d 725, 727 (4th Cir. 1982); *see also* Fed. R. Civ. P. 55(c), 60(b).

Defendant alleges that Plaintiff received an “Affidavit and Notice” via registered mail and failed to respond. (ECF No. 4 at 3.) However, the record shows that Plaintiff timely filed a Motion to Dismiss on February 7, 2019. (ECF No. 13.), which is an appropriate response in accordance with Rule 55. Thus, Defendant’s Motion for Default Judgment (ECF No. 4) is **DENIED**.

IT IS SO ORDERED.


United States District Judge

August 26, 2019
Columbia, South Carolina

¹ C/A No. 18-cv-14922, filed August 9, 2018.